

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER SHAWN JOHNSON,

Petitioner,

v.

ROBERT HERZOG, et al.,

Respondents.

Case No. C13-533-RSL

ORDER OF DISMISSAL

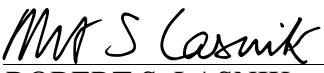
The Court, after careful consideration of petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus, the Report and Recommendation of the Honorable James P. Donohue, the governing authorities and the balance of the record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

(2) Respondents' motion to dismiss, Dkt. 14, is GRANTED, and petitioner's habeas petition, Dkt. 6, is TRANSFERRED to the Ninth Circuit Court of Appeals for consideration as an application for leave to file a successive petition.

1 (3) The Clerk is directed to send copies of this Order to counsel for the parties and
2 to Judge Donohue.

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4 Dated this 19th day of September, 2013.

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7 ROBERT S. LASNIK
8 United States District Judge
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